

105TH CONGRESS  
1ST SESSION

# S. 399

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 5, 1997

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Environmental Policy  
5       and Conflict Resolution Act of 1997”.

1 **SEC. 2. DEFINITIONS.**

2 Section 4 of the Morris K. Udall Scholarship and Ex-  
3 cellence in National Environmental and Native American  
4 Public Policy Act of 1992 (20 U.S.C. 5602) is amended—

5 (1) in paragraph (5), by striking “fund” and  
6 inserting “Trust Fund”;

7 (2) by redesignating paragraphs (5) and (7) as  
8 paragraphs (9) and (8), respectively;

9 (3) by inserting after paragraph (4) the follow-  
10 ing:

11 “(5) the term ‘Institute’ means the United  
12 States Institute for Environmental Conflict Resolu-  
13 tion established pursuant to section 7(a)(1)(D);”;

14 (4) in paragraph (6), by striking “and” at the  
15 end;

16 (5) by inserting after paragraph (6) the follow-  
17 ing:

18 “(7) the term ‘Revolving Fund’ means the  
19 United States Institute for Environmental Conflict  
20 Resolution Revolving Fund established under section  
21 10;”;

22 (6) in paragraph (8) (as redesignated by para-  
23 graph (2)), by striking the period at the end and in-  
24 serting “; and”; and

1           (7) in paragraph (9) (as redesignated by para-  
 2           graph (2)), by striking the semicolon at the end and  
 3           inserting a period.

4 **SEC. 3. BOARD OF TRUSTEES.**

5           Section 5(b) of the Morris K. Udall Scholarship and  
 6           Excellence in National Environmental and Native Amer-  
 7           ican Public Policy Act of 1992 (20 U.S.C. 5603(b)) is  
 8           amended—

9           (1) in the matter preceding paragraph (1) of  
 10          the second sentence, by striking “twelve” and insert-  
 11          ing “thirteen”; and

12          (2) by adding at the end the following:

13          “(7) The chairperson of the President’s Council  
 14          on Environmental Quality, who shall serve as a non-  
 15          voting, ex officio member and shall not be eligible to  
 16          serve as chairperson.”.

17 **SEC. 4. PURPOSE.**

18          Section 6 of the Morris K. Udall Scholarship and Ex-  
 19          cellence in National Environmental and Native American  
 20          Public Policy Act of 1992 (20 U.S.C. 5604) is amended—

21          (1) in paragraph (4), by striking “an Environ-  
 22          mental Conflict Resolution” and inserting “Environ-  
 23          mental Conflict Resolution and Training”;

24          (2) in paragraph (6), by striking “and” at the  
 25          end;

1           (3) in paragraph (7), by striking the period at  
2           the end and inserting “; and”; and

3           (4) by adding at the end the following:

4           “(8) establish as part of the Foundation the  
5           United States Institute for Environmental Conflict  
6           Resolution to assist the Federal government in im-  
7           plementing section 101 of the National Environ-  
8           mental Policy Act of 1969 (42 U.S.C. 4331) by pro-  
9           viding assessment, mediation, and other related serv-  
10          ices to resolve environmental disputes involving  
11          agencies and instrumentalities of the United  
12          States.”.

13 **SEC. 5. AUTHORITY.**

14          Section 7(a) of the Morris K. Udall Scholarship and  
15          Excellence in National Environmental and Native Amer-  
16          ican Public Policy Act of 1992 (20 U.S.C. 5605(a)) is  
17          amended—

18               (1) in paragraph (1), by adding at the end the  
19          following:

20               “(D) INSTITUTE FOR ENVIRONMENTAL  
21          CONFLICT RESOLUTION.—The Foundation  
22          shall—

23                       “(i) establish the United States Insti-  
24                       tute for Environmental Conflict Resolution  
25                       as part of the Foundation; and

1 “(ii) identify and conduct such pro-  
 2 grams, activities, and services as the Foun-  
 3 dation determines appropriate to permit  
 4 the Foundation to provide assessment, me-  
 5 diation, training, and other related services  
 6 to resolve environmental disputes.”; and

7 (2) in paragraph (7), by inserting “and Train-  
 8 ing” after “Conflict Resolution”.

9 **SEC. 6. REVOLVING FUND.**

10 (a) REDESIGNATION.—Sections 10 and 11 of the  
 11 Morris K. Udall Scholarship and Excellence in National  
 12 Environmental and Native American Public Policy Act of  
 13 1992 (20 U.S.C. 5608, 5609) are redesignated as sections  
 14 12 and 13, respectively.

15 (b) REVOLVING FUND.—The Morris K. Udall Schol-  
 16 arship and Excellence in National Environmental and Na-  
 17 tive American Public Policy Act of 1992 (20 U.S.C. 5601  
 18 et seq.) (as amended by subsection (a)) is amended by in-  
 19 serting after section 9 the following:

20 **“SEC. 10. ENVIRONMENTAL CONFLICT RESOLUTION RE-  
 21 VOLVING FUND.**

22 “(a) ESTABLISHMENT.—There is established in the  
 23 Treasury of the United States a United States Institute  
 24 for Environmental Conflict Resolution Revolving Fund to  
 25 be administered by the Foundation. The Revolving Fund

1 shall consist of amounts appropriated to the Revolving  
 2 Fund under section 13(b) and amounts paid into the Re-  
 3 volving Fund under section 11.

4 “(b) EXPENDITURES.—The Foundation shall expend  
 5 from the Revolving Fund such sums as the Board deter-  
 6 mines are necessary and appropriate to establish and oper-  
 7 ate the Institute, including such amounts as are necessary  
 8 for salaries, administration, the provision of mediation and  
 9 other services, and such other expenses as the Board de-  
 10 termines are reasonable and necessary.

11 “(c) DISTINCTION FROM TRUST FUND.—The Re-  
 12 volving Fund shall be maintained separately from the  
 13 Trust Fund established under section 8.

14 “(d) PROGRAM PRIORITIES.—The Revolving Fund  
 15 shall not be subject to section 7(c) or section 9.

16 “(e) INVESTMENT OF AMOUNTS.—

17 “(1) IN GENERAL.—The Secretary of the  
 18 Treasury shall invest such portion of the Revolving  
 19 Fund as is not, in the judgment of the Secretary, re-  
 20 quired to meet current withdrawals. Investments  
 21 may be made only in interest-bearing obligations of  
 22 the United States.

23 “(2) ACQUISITION OF OBLIGATIONS.—For the  
 24 purpose of investments under paragraph (1), obliga-  
 25 tions may be acquired—

1                   “(A) on original issue at the issue price; or

2                   “(B) by purchase of outstanding obliga-  
3                   tions at the market price.

4                   “(3) SALE OF OBLIGATIONS.—Any obligation  
5                   acquired by the Revolving Fund may be sold by the  
6                   Secretary of the Treasury at the market price.

7                   “(4) CREDITS TO FUND.—The interest on, and  
8                   the proceeds from the sale or redemption of, any ob-  
9                   ligations held in the Revolving Fund shall be cred-  
10                  ited to and form a part of the Revolving Fund.”.

11 **SEC. 7. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

12                  The Morris K. Udall Scholarship and Excellence in  
13                  National Environmental and Native American Public Pol-  
14                  icy Act of 1992 (20 U.S.C. 5601 et seq.) (as amended  
15                  by section 6) is amended by inserting after section 10 the  
16                  following:

17 **“SEC. 11. USE OF THE INSTITUTE BY A FEDERAL AGENCY.**

18                  “(a) AUTHORIZATION.—A Federal agency may use  
19                  the Foundation and the Institute to provide assessment,  
20                  mediation, or other related services in connection with a  
21                  dispute or conflict related to the environment, public  
22                  lands, or natural resources.

23                  “(b) PAYMENT.—

1           “(1) IN GENERAL.—A Federal agency may  
2       enter into a contract and expend funds to obtain the  
3       services of the Institute.

4           “(2) PAYMENT INTO REVOLVING FUND.—A  
5       payment from an executive agency on a contract en-  
6       tered into under paragraph (1) shall be paid into the  
7       Revolving Fund.

8       “(c) NOTIFICATION AND CONCURRENCE.—

9           “(1) NOTIFICATION.—An agency or instrumen-  
10      tality of the Federal Government shall notify the  
11      chairperson of the President’s Council on Environ-  
12      mental Quality before using the Foundation or the  
13      Institute to provide the services described in sub-  
14      section (a).

15          “(2) NOTIFICATION DESCRIPTIONS.—A notifi-  
16      cation under paragraph (1) shall include a written  
17      description of—

18               “(A) the issues and parties involved;

19               “(B) prior efforts, if any, undertaken by  
20      the agency to resolve or address the issue or is-  
21      sues; and

22               “(C) other relevant information.

23          “(3) CONCURRENCE.—In a case that involves a  
24      dispute or disagreement between 2 or more agencies



1 or instrumentalities of the Federal Government (in-  
 2 cluding branches or divisions of a single agency or  
 3 instrumentality), an agency or instrumentality of the  
 4 Federal Government shall obtain the concurrence of  
 5 the chairperson of the President’s Council on Envi-  
 6 ronmental Quality before using the Foundation or  
 7 Institute to provide the services described in sub-  
 8 section (a).”.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—Section 13 of the Morris K. Udall  
 11 Scholarship and Excellence in National Environmental  
 12 and Native American Public Policy Act of 1992 (as redes-  
 13 ignated by section 6(a)) is amended—

14 (1) by striking “There are authorized to be ap-  
 15 propriated to the Fund” and inserting the following:

16 “(a) TRUST FUND.—There is authorized to be appro-  
 17 priated to the Trust Fund”; and

18 (2) by adding at the end the following:

19 “(b) REVOLVING FUND.—There are authorized to be  
 20 appropriated to the Revolving Fund \$3,000,000 for fiscal  
 21 year 1998 and \$2,100,000 for each of fiscal years 1999  
 22 through 2002.”.

1 **SEC. 9. CONFORMING AMENDMENTS.**

2 (a) The second sentence of section 8(a) of the Morris  
3 K. Udall Scholarship and Excellence in National Environ-  
4 mental and Native American Public Policy Act of 1992  
5 (20 U.S.C. 5606) is amended—

6 (1) by striking “fund” and inserting “Trust  
7 Fund”; and

8 (2) by striking “section 11” and inserting “sec-  
9 tion 13(a)”.

10 (b) Sections 7(a)(6), 8(b), and 9(a) of the Morris K.  
11 Udall Scholarship and Excellence in National Environ-  
12 mental and Native American Public Policy Act of 1992  
13 (20 U.S.C. 5605(a)(6), 5606(b), 5607(a)) are each  
14 amended by striking “Fund” and inserting “Trust Fund”  
15 each place it appears.

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